

REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. § 1.116
U.S. APPLICATION NO. 09/778,764
ATTORNEY DOCKET NO. Q62997

REMARKS

Submitted herewith is another clean copy of the Widjaja *et al.* reference as requested by the examiner.

Claims 1, 3-6, 9-16 and 18-24 remain in the application. Reconsideration of the application and allowance of all claims are respectfully requested.

A problem addressed by the present invention is that when a system was transmitting lower priority cell, it had to wait until that transmission was completed before interrupting the lower priority transmission in favor of higher priority cell transmission. According to the invention, there is a predetermined minimum transmittable element that is less than the full cell, and when it is determined that there is higher priority traffic awaiting transmission, the lower priority transmission continues until the completion of the next minimum transmittable element, at which point the lower priority transmission is interrupted in favor of the higher priority traffic. When the interrupting transmission is completed, the interrupted low priority transmission is then resumed from the point at which it was interrupted.

To properly operate, the present invention requires that the data stream include indicators of the beginning of a cell, by way of a unique delineation pattern, and there must also be a way of detecting the end of the interrupting transmission. This may be the end of the cell, e.g., designated either by another unique designator code or by an indicator of the length of the cell so that its end is unambiguously determinable in combination with the occurrence of the starter

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code. Alternatively, it may be an indicator that the interrupting transmission has either ended or been interrupted, e.g., as discussed in the paragraph bridging pages 5-6.

In either case, a feature of the present invention is that if the required indicators are missing, the traffic is adapted to include them. A feature of the invention discussed in detail in the Amendment filed August 10, 2005 is that the reassembly indicators are inserted into the traffic not by adding but by adapting.

The clearest example of this is in the case of Multi-Slot Cells as defined for a Multi-Path Self Routing (MPSR) system, discussed at pages 10-11 of the specification. The Multi-Slot Cells already carry a slot control bit pattern which is used to designate each slot as either a first slot or a body slot. In the example shown in Table 2 at page 11, the priority information is incorporated into the existing slot control bit pattern. The priority information can be used for reassembly as discussed in the paragraph bridging pages 5-6 of the specification.

This feature of the invention is clearly reflected in the language of claim 1 which recites adapting the control data within the data traffic itself to comprise at least one reassembly indicator. Claim 5 similarly recites that control data within the new traffic stream itself is adapted to comprise at least one reassembly indicator. Claim 6 recites that the processor adapts control data within the traffic itself to comprise at least one reassembly indicator. Claim 16 recites that control data of the new traffic stream is adapted to comprise at least one reassembly indicator.

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This is in contrast to Calvignac et al where the existing data traffic is not adapted to include the reassembly indicators, but at best the required information is added. Calvignac et al is directed to HDLC, which as described at page 10 of the present application is not suitable for practicing the control method of the present invention because it does not include start and end flag patterns which are distinguishable from one another. A solution is to add an end flag pattern. This is exactly what is described in the passages of Calvignac et al cited by the examiner. As described at lines 5-15 of column 2, the start and end flags for HDLC are the same. Attached for assistance in understanding the HDLC structure is an overview of HDLC, showing in fig. 3 that every frame begins and ends with a flag sequence, where the start and end flag sequences are the same. This is similarly shown at start and end flags F in Fig. 5 of Calvignac et al. Lines 45-49 of Calvignac et al point out that Calvignac et al adds a trailer of at least one byte used to indicate the packet type. Fig. 2 illustrates the added trailer byte tB, and Fig. 3 shows the detailed structure of the trailer byte. Fig. 5 shows the last three bits of the trailer byte by TXXX, and this notation is again similarly used in all of Figs. 6-10.

Thus, it is clear that Calvignac et al does not adapt the control data to include the reassembly indicators, but instead adds a new byte to the format. Accordingly, all claims are believed to patentably distinguish over the applied art.

It is unnecessary to discuss all of the dependent claims due to their dependence on allowable parent claims. However, it is noteworthy that Calvignac et al does not at any time suggest that when a higher priority data flow appears the lower priority data flow can be

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interrupted as soon as one bit later (claim 3). Line 57 of column 4 clearly points out that the minimum transmittable amount in Calvignac et al is one byte, with lines 25-33 of column 5 indicating that instead of one byte the lower priority transmission can be continued for a larger block.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

An extension of time (3 months) is requested, and the statutory fee is being paid through the Electronic Filing System

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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